

REMARKS

The Examiner's action dated June 12, 2006, has been received, and its contents carefully noted.

The suggestion regarding the addition of section headings has been noted. It is also noted that such section headings are not required, but are only recommended. If the Examiner believes that understanding of the invention would be aided by the inclusion of such section headings, he is hereby authorized to insert them at the appropriate locations in the specification.

The specification has been reviewed and the error noted at page 12, line 17, has been corrected. If the Examiner believes that further review and correction of the specification would be in order, applicant would be happy to comply after the claims have been allowed.

In response to the rejection of the pending claims under 35 U.S.C 112, second paragraph, the claims have been amended to provide proper "antecedent basis" for the references to "the interior" of the vehicle. However, for the record, undersign submits that this ground of rejection was unjustified because each claim properly refers to an automotive vehicle, which inherently possesses an interior. Inherent components of elements recited have antecedent basis

Appln. No.09/56 946  
Amd. Dated November 13, 2006  
Reply to Office Action of June 12, 2006

in the recitation of the components themselves. MPEP 2173.05  
(e).

In further response to this rejection, the claims have been amended to recite "a piece of elastic foam material". It is believed that this language clearly identifies one element.

Claim 39 had been amended to depend from claim 30 as was originally intended since it is claim 30 that defines a door lock subassembly.

However, the rejection based on the various mentions in the claims of a door inner liner is respectfully traversed.

Undersigned has carefully reviewed the pending claims and it is absolutely clear that the door inner liner is referred to only as an element to which the claimed door module will be assembled.

Claim 24, for example, includes the transitional phrase "said door module comprising", followed by a positive recitation of the components of the door module. At no point in the claim is there any indication that the claimed door module comprises the door inner liner. Thus, the recitations in claim 24 that mention a door liner include the following (underlining added):

"Prior to assembly of said door module to the door inner liner":

Appln. No. 09/58 946

Amd. Dated November 13, 2006

Reply to Office Action of June 12, 2006

"A lower deflector arranged to be located at a upper edge of a lower portion of the door inner liner":

"Two support appendages that are directed towards the door inner liner when said door module is assembled to the door inner liner":

"A profile... having two ends that project towards the door inner liner at different heights, when said door module is assembled to the door inner liner:

"Said two supportive appendages and said profile form continuous lines between said door trim panel and the door inner liner when said door module is assembled to the door inner liner."

Thus, the references to the door inner liner are fully consistent with the conventions of US practice with respect to elements that are not part of the claimed structure, but with which the claimed structure is intended to be associated.

In this connection, submitted herewith is a copy of a decision by the USCAFC in Vaupel Textilmaschinen KG, which concerns a claim 2 that refers to elements that were held to not be part of the claimed combination. It will be noted that the claim 2 involved in that decision referred to such components in a manner directly comparable to the references in the claims of the present application to a door inner liner.

Appln. No.09/58. 46

Amd. Dated November 13, 2006

Reply to Office Action of June 12, 2006

It is frequently necessary, in drafting patent claims, to make references to a component to which the claimed device is intended to be connected.

This, it can be categorically stated that all of the claims of the present application are directed to a door module that does not include a door inner liner.

If there was any question as to what applicant is claiming, that question should be considered to have been resolved by the explanations and assertions presented hereabove.

In specific response to the explanation of the rejection presented in the office action, it is submitted that applicant has not "positively" recited the door inner liner. A positive recitation would require that recitation of a door inner liner qualify, grammatically, "comprising" or that the claim states that one of the positively recited components includes a door inner liner. Neither of these situations exists in connection with the present claims.

Accordingly, it is requested that the rejection of claims 24-31 and 39 under 35 U.S.C 112, second paragraph, be reconsidered and withdrawn.

The indication that claims 24-26 and 27 would be allowable if amended to overcome the above-discussed rejections is noted with appreciation. Since it is believed

Appln. No. 09/5 ,946  
Amd. Dated November 13, 2006  
Reply to Office Action of June 12, 2006

that those rejections should now be withdrawn, it is assumed  
that the claims in question will be allowed.

The rejection of claims 28, 29 and 30 as being  
anticipated by Medebach is respectfully traversed.

Claim 28 is directed to a door module that includes a  
window regulator subassembly carried by said door trim panel,  
the window regulator subassembly comprising window winder  
rails having L-shaped appendages having fins. Claim 28  
further specifies that the door module comprises "pairs of  
protruding locks having holes, said lugs being secured to said  
door trim panel and said fins being held loosely in said holes  
of said lugs in order to maintain said rails attached to said  
door trim panel during transport of said door module and until  
said door module is assemble to the door inner liner."

These features are not found in the disclosure of the  
applied reference.

Indeed, the reference includes the statement that the  
functional parts are advantageously arranged in the form of a  
static framework. This is directly contrary to the invention  
as defined in claim 28, wherein it is recited that "said lugs  
being secured to said door trim panel and said fins being held  
loosely in said hole of said lugs...".

Application claim 30 defines a door module which includes  
a door lock subassembly mounted in a door trim panel for

Appln. No.09/581 46

Amd. Dated November 13, 2006

Reply to Office Action of June 12, 2006

displacement relative to the door trim panel from a transport position to an assembly position, with at least a portion of the door lock subassembly projecting beyond the door trim panel when the door lock subassembly is in the assembly position.

It does not appear that the applied reference discloses a module that includes a door lock subassembly that is held in a transport position.

It is also noted that in the explanation of the rejection of claims 28-30, no mention is made of the above-cited claim limitation and it must be pointed out that in order to support an anticipation rejection, it is necessary that the applied reference disclose every claim feature.

As noted above, claim 39 has been amended to depend from claim 30, Claim 39 further distinguishes over Medebach by its recitation of means coupled to the door lock subassembly for moving that subassembly to the assembly position. It is not believed that the applied reference discloses such means.

The rejection of claim 31 as anticipated by Feder is also respectfully traversed.

What Feder discloses is a trim panel and a support part that are connected together through a hinge. In contrast, according to the present invention, as defined in claim 31, the door trim panel itself is composed of a main part and a

Appln. No.09/58. 46

Amd. Dated November 13, 2006

Reply to Office Action of June 12, 2006

hinged part, the main part having an opening to permit access for securing at least one subassembly and the hinged part being pivotably connected to the main part for pivotable movement into a position covering the opening.

Thus, in the structure defined in claim 31, it is only a part of the trim panel that can pivot relative to a main part of the same trim panel in order to cover an opening in the main part.

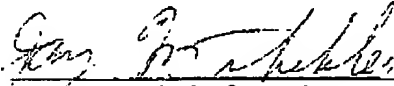
In view of the foregoing, it is requested that all of the objections and rejections of record be reconsidered and withdrawn, that all of the pending claims be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By

  
Jay M. Finkelstein  
Registration No. 21,082

JMF:nlw

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\G\Udap\garcia martin\pto\2006-11-13 Amendment.doc